

REMARKS

At the time of the Final Office Action dated July 27, 2004, claims 22-25 were pending and rejected in this application. Claims 22 and 24 have been amended, and Applicants submit that the present Amendment does not generate any new matter issue.

CLAIMS 22-23 AND 25 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY ODA, U.S. PATENT NO. 6,340,845

On pages two and three of the Office Action, the Examiner asserted that Fig. 1 of Oda discloses the claimed invention. This rejection is respectively traversed.

With regard to independent claim 22, on page three of the Office Action, the Examiner asserted the following:

Regarding claim 22, it is of note that the claim does not preclude "at least a conductive member" and a "conductive pattern" being a single structure. In other words, the claim does not specifically distinguish "at least a conductive member" as a separate structure from a "conductive pattern". The connection pattern (4) of Oda would meet both of these structure limitations. Therefore, claimed structure is held fully met by Oda.

Applicants note that independent claim 22 has been amended to clarify that the conductive line pattern is separate from the conductive member. Therefore, the claim does preclude 'at least a conductive member' and a 'conductive pattern' being a single structure. Applicants respectfully submit that the Examiner cannot properly assert that Oda identically discloses all the limitations recited in claim 22 within the meaning of 35 U.S.C. § 102.

With regard to claim 23, it is noted that Applicants have already traversed a rejection of claim 23 for anticipation based upon Oda in the Amendment filed January 23, 2004.

Specifically, Applicants already argued:

Claim 23 has been amended to recite that a conductive member of a lower one of the semiconductor devices is directly connected to a conductive member of an upper one of the semiconductor devices. This feature is shown, for example, in Figs. 11-13 of Applicants' disclosure, which illustrate an upper conductive member 8' in direct contact with a lower conductive member 8. In contrast, the connection patterns 4 of Oda do not directly connect with one another. Thus, Applicants submit that Oda fails to identically disclose the claimed invention as recited in claim 23, and therefore, Applicants respectfully solicit withdrawal of the imposed rejection of claim 23 under 35 U.S.C. § 102 for anticipation based upon Oda.

On page three of the Office Action, the Examiner asserted the following:

Since Oda discloses in Fig. 1 a direct electrical connection by the second electrode (3) between the conductive members of lower and upper one of the semiconductor devices, Oda discloses the following limitation "a conductive member of a lower one of said semiconductor devices (1) is directly connected to a conductive member of an upper one of the semiconductor devices (1)."

Applicants respectfully submit that the Examiner has not properly ascertained the ordinary and customary meaning for the term "directly connected," as that term would have been understood by those skilled in the relevant art in the context of the present invention. In fact, the Examiner's construction of a meaning for the term "directly connected" has improperly disregarded the limitation "directly." It is axiomatic that the terms "directly" and "indirect," when used as adverbs, have opposite meanings, and a same connection between same features cannot be both direct and indirect. To argue otherwise would eliminate any meaning associated with the terms "directly" and "indirectly." The term "directly connected," as recited in claim 23, requires a connection that is direct (i.e., with no intermediary connections).

The connection patterns 4 of the upper and lower stage disclosed in Oda are indirectly connected to another since an electrical connection between the connection patterns 4 must be made indirectly through three different intermediary connections:

- (i) the connection between the connection pattern 4 of the upper stage and a soldering ball 3 of the upper stage;
- (ii) the connection between the soldering ball 3 of the upper stage and the land 2 of the lower stage; and
- (iii) the connection between the land 2 of the lower stage and the connection pattern 4 of the lower stage.

Since the connection patterns 4 of the upper and lower stage are indirectly connected to another via intermediary connections, these connection patterns 4 cannot be directly connected to one another, as recited in claim 23. Applicants also note that the Examiner's argument even admits that the electrical connection between the connection patterns 4 of the upper and lower stage must be made "by the second electrode (3)," which is an intermediate connection and not a direct connection.

Thus, Applicants submit that Oda fails to identically disclose all the limitations of the claimed invention recited in claims 22-23 and 25. Applicants, therefore, respectfully solicit withdrawal of the imposed rejection of claims 22-23 and 25 under 35 U.S.C. § 102 for anticipation based upon Oda.

**CLAIMS 24 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON ODA
IN VIEW OF LEE ET AL., U.S. PATENT NO. 6,222,212 (HEREINAFTER LEE)**

On page four of the Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Oda in view of Lee to arrive at the claimed invention. This rejection is respectfully traversed.

Claim 24, similar to claim 23, recites that a conductor member of a lower one of the semiconductor devices is directly connected to a conductive member of an upper one of the semiconductor devices. Furthermore, as previously argued, the conductor members 4 of Oda of the upper stage and lower stage (presumably interpreted to correspond to the claimed upper and lower ones of the semiconductor devices) are not directly connected to one another. Instead, a soldering ball 3 and a landing 2 is positioned between the conductor members 4. Thus, this limitation recited in claim 24 is neither taught nor suggested by Oda. The second applied reference of Lee also fails to teach or suggest this limitation. Therefore, the combination of Oda in view of Lee fails to teach or suggest the claimed invention, as recited in claim 24. Hence, Applicants respectfully solicit withdrawal of the imposed rejection of claim 24 under 35 U.S.C. § 103 for obviousness based upon Oda in view of Lee.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Scott D. Paul', written over a horizontal line.

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